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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record (partial)* of the 26th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 14 May 2014, at 3 p.m.

Chairperson: Mr. Ribeiro Leão (Vice-Chairperson)

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Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Third to fifth periodic reports of El Salvador (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 3.05 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Third to fifth periodic reports of El Salvador (continued) (E/C.12/SLV/3-5; E/C.12/SLV/Q/3-5 and Add.1; HRI/CORE/SLV/2011)

1. *At the invitation of the Chairperson, the delegation of El Salvador took places at the Committee table.*

2. **Ms. Velásquez de Avilés** (El Salvador), replying to questions asked at the previous meeting, said that the Office of the Human Rights Advocate and the Constitutional Chamber of the Supreme Court heard cases of human rights violations, mostly in health, education and labour matters. However, the Advocate's decisions were not binding and constituted more of a moral sanction than a tangible penalty. The right to strike was recognized under both the Constitution and the Labour Code, but was a last resort when conciliation and arbitration failed. Moreover, strikes had to be authorized by the authorities, which frequently declared them illegal. The Equal Opportunities for Persons with Disabilities Act stipulated that 1 in every 25 employees had to be a worker with a disability. Although the law did provide for fines in case of non-compliance, they were low and not dissuasive enough. Ongoing efforts were being made to foster a culture of acceptance of persons with disabilities and there were plans to increase the fines.

3. **Ms. Medina** (El Salvador) said that the main results of the new law on violence against women had been to raise awareness of the issue, bring it out of the private sphere and encourage women to report abuse. Furthermore, the law provided for comprehensive assistance to victims, including legal aid and health care, and established indicators on which to base policies and programmes with a view to cultivating a culture of non-violence.

4. **Ms. Velásquez de Avilés** (El Salvador) said that, thanks to the new law, more women were coming forward and cases were being prosecuted. The law was relatively recent, which made its impact difficult to measure, but the hope was that it would eventually have a deterrent effect. She wished to highlight the invaluable contribution of NGOs to the lobby for laws on the protection of women and children.

5. **Mr. Mancisidor** (Country Rapporteur) requested additional information on the reform of the taxation system and its impact on income redistribution and social spending as well as confirmation that the provisions of the Covenant could in fact be directly invoked before the courts. Pointing out that the previously mentioned data on prosecutions for corruption had been provided by the State party itself in its replies to the list of issues, he asked whether there had really been only two cases. He remained uneasy regarding the right to strike because the delegation's replies seemed to indicate that the enjoyment of that right was theoretical rather than effective. What percentage of strikes were declared unlawful and on what grounds?

6. **Ms. Bras Gomes**, referring to paragraphs 113 and 114 of the combined report, asked whether the Government had accepted and acted on the recommendations of the National Minimum Wage Council. She wished to know whether the overhead costs of the large number of social programmes and measures in place, which likely overlapped, had been evaluated with a view to finding savings that could be ploughed back in for the population's benefit. She asked whether the Government had assessed the impact on women's pensions of having different mandatory retirement ages for men and women. Lastly, she asked whether the Rural Community Solidarity Programme had originally been

countrywide and had later been restricted to its current scope and, if so, what had prompted the change.

7. **Mr. Tirado Mejía**, stressing the gravity of the health situation, in particular the large number of deaths in childbirth and from unsafe abortions and the high teenage pregnancy rate, asked to what extent the State party had implemented the relevant recommendations contained in the Committee's previous concluding observations (E/C.12/SLV/CO/2). He regretted the apparent regression of Government policy regarding sexual and reproductive health and the fact that life was still considered to begin at conception. Accordingly, he asked whether the Government was making any efforts to change its policy, in step with several other countries in the region, and to comply with the recommendations of the Committee and other entities in that regard.

8. **Ms. Ravenberg** asked what measures the Government was taking to build a national health-care system based on the principles of equality and accessibility that guaranteed essential health services for the entire population, especially vulnerable groups such as indigenous peoples, street children and detainees. Had the Government considered increasing health expenditures? She wished to know how much information was provided to the population regarding sexual and reproductive health rights and services and to what extent women, particularly minors and other vulnerable groups, had access to contraception.

9. In the light of the absolute prohibition of abortion, she asked whether the Government had considered the ban's consequences on the health-care and prison systems; whether pregnant women had access to prenatal care; what steps were being taken to prevent women who sought emergency obstetric care from being turned in, prosecuted and incarcerated for suspected abortion; what impact the ban had had on suicides among pregnant women; how health-care professionals reacted when a pregnancy threatened the mother's life; how abandoned or vulnerable women were protected; and whether comprehensive sex education was provided in all schools.

10. **Ms. Shin**, emphasizing the gravity of the abortion ban and its dire consequences for women's health, life and freedom, urged the State party to do everything in its power to change the policy. She asked what the Government's response had been to the pardon request in respect of 15 women currently imprisoned on abortion charges. Given the high number of female-headed households, she asked what Government measures were in place to assist them and whether men were being educated about their family responsibilities.

11. **Mr. Pillay** asked what measures were being taken to address the housing deficit in both urban and rural areas, including the provision of social housing for low-income and marginalized individuals. Referring to reports of forced evictions without prior notification, due process or the provision of alternative accommodation, he asked how many forced evictions had been carried out pursuant to the 2009 Special Law guaranteeing the ownership or lawful possession of property; whether the Government intended to adopt legislation that adhered to relevant international standards and the Committee's general comment No. 7 on the right to adequate housing; and whether homelessness was a problem in the State party.

12. **Mr. Atangana** requested more precise information about the obstacles to birth registration in isolated, rural areas and about the steps taken to address them.

13. **The Chairperson**, speaking as a member of the Committee, asked, with reference to the distinction made between extreme poverty and relative poverty in the State party's report, whether the five-year plan for 2009–2014 addressed both forms of poverty equally. Assuming that a second five-year plan would shortly be adopted, would the new plan differ from its predecessor and, if so, how?

14. **Mr. Mancisidor** said that it should not have been necessary for the Inter-American Court of Human Rights to intervene in the case of Beatriz in order to protect her right to life, health and dignity. The State party should have domestic remedies and mechanisms in place that allowed for complex cases such as Beatriz's to be resolved effectively without the need for supranational intervention. Urgent action was required to tackle the alarming level of chronic malnutrition among children under 5. A report published by the Office of the Human Rights Advocate in April 2014 had estimated that level at around 20 per cent. The delegation was also urged to provide the disaggregated data about street children requested in the list of issues (E/C.12/SLV/Q/3-5). Without such data it was impossible to appraise the situation and recommend appropriate measures.

15. **Ms. Bras Gomes** said that the absolute ban on abortion was a form of discrimination against women that affected poor, uneducated and otherwise vulnerable women most of all. In addition to violating the right to health, the ban constituted a failure on the part of the State to provide for those most in need. She invited the delegation to comment on that assessment. Noting that national legislation apparently made no provision for maternity, paternity or family leave but that, pursuant to the International Labour Organization (ILO) Workers with Family Responsibilities Convention, 1981 (No. 156), parents should have the option to take time off when needed, she asked what forms of leave would be available to a parent caring for a sick child or child with a disability.

16. **Mr. Martynov** asked why the State party had not ratified the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) despite being urged to step up its efforts to combat child labour in the Committee's previous concluding observations and the recognized scale of the problem. He would like to know the Government's plans in respect of those conventions.

17. **Mr. Sadi** asked whether the State party's exceptionally restrictive abortion policy was guided by religious or cultural considerations and urged the delegation to explain the specific deep-rooted reasons behind it. Reiterating Ms. Bras Gomes' concerns about the policy's disproportionate impact on the most vulnerable population groups, he asked whether it was usual practice for women to travel to more liberal neighbouring countries to seek terminations if they could afford to do so, and whether in such cases they might be liable to criminal charges upon their return.

18. **Ms. Ravenberg** asked what the State party was doing to address the persistently high school dropout rate among girls in rural areas, to improve the quality of education in those areas, and to ensure that all children living in rural areas and/or in indigenous communities enjoyed the same educational opportunities as city dwellers. She also sought information about the State budget for education, about measures adopted to make quality education accessible to children with disabilities, and about Government efforts to make instruction for indigenous children available in their own language. Lastly, she enquired whether indigenous and street children were subject to compulsory education.

19. **Mr. Marchán Romero** said that, although the State party had made a major advance in recognizing the existence of indigenous peoples and had demonstrated a clear political will to redress historical wrongs, the legislative reforms did not go far enough as they were not accompanied by a recognition of indigenous peoples' right to inhabit their ancestral lands, exploit their communal resources and maintain their traditions. In addition, current legislation did not provide for the restitution of indigenous land that had been appropriated for other uses without the prior, informed consent of the affected communities. He urged the State party to formulate appropriate policies that took account of the Committee's general comment No. 21, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples.

20. As a first step in that direction, he highlighted the need for an accurate census of the indigenous peoples that properly reflected their right to self-identification. Noting that the manner in which the question on ethnic identity had been formulated in the 2007 census had been highly inappropriate, he asked whether the issues associated with self-identification had been resolved in the 2012 census and, if so, how. Lastly, he enquired whether the intellectual property rights of indigenous communities were duly respected and protected, in accordance with article 15, paragraph 1 (c), of the Covenant.

21. **Mr. Mancisidor** expressed concern about the violations of the right to health and the right to enjoy the benefits of scientific progress linked to the chronic kidney disease that had reportedly caused over 20,000 deaths in Central America, including over 5,000 in El Salvador. The disease had been associated with working conditions in sugar cane plantations and exposure to toxic chemical agents. However, the precise causes had not been identified and in the meantime, according to the World Bank and the sugar cane industry, appropriate remedial action was not possible. He therefore called on the State party to assign State funds to the ongoing investigation in order to ensure the independence of the research and expedite a resolution.

The meeting was suspended at 4.10 p.m. and resumed at 4.40 p.m.

22. **Ms. Velásquez de Avilés** (El Salvador), acknowledging the problems that had impeded birth registration in the past, particularly during and after the civil war, said that, pursuant to an agreement between the Ministry of Health and local authorities, in every hospital in the country there would in future be a designated official responsible for registering every newborn and thus ensuring that no child was denied the right to an identity. Mechanisms enabling persons who lacked birth registration documents to resolve their situation had also been introduced pursuant to a Ministry of Health decree.

23. Government policy was designed to address and eradicate both extreme and relative poverty. Disaggregated data for street children were not available but figures provided by the Salvadoran Institute for Child and Adolescent Development indicated that there were currently about 260 children living and/or working in the street. She could assure the Committee that, subject to the limitations imposed by its scant resources, the Government was making great efforts to protect, provide and care for women, particularly the most disadvantaged women, and that the case of Beatriz was in no way indicative of a generalized State failing in their regard.

24. Under the law governing public holidays and leave entitlements for public-sector employees, men and women were entitled to 20 days' family leave per year to care for sick children and 3 days' leave following the birth of a child.

25. El Salvador had been a pioneer in drawing up a regional road map to determine the scale of the child labour problem and had in fact ratified the two ILO conventions mentioned by Mr. Martynov. The Government was working closely with the ILO to develop strategies to ensure decent work for adults that gave parents sufficient income to provide for their children and keep them in school. Strategies to combat child labour directly were also being developed. Children above the age of 16 who were already working were accorded special attention under those schemes.

26. Abortion was an issue that generated huge passion, analysis and discussion in El Salvador, which was a very traditional and conservative country. Abortion had been permitted on ethical, therapeutic and eugenic grounds until 1999, when the current repressive law had taken effect. Workers' associations, women's organizations and civil society had since lobbied tirelessly for legal reform, highlighting the increased number of clandestine abortions and related deaths. The current situation, in which women who sought abortions could face prison sentences of between 4 and 8 years, was a difficult one, with

far-reaching implications for women's health, for health-care expenditure and for doctors, who faced disciplinary proceedings if they breached the law.

27. Reliable statistics for suicide rates were not available and it was not possible to link the increase highlighted in the report of the Office of the Human Rights Advocate definitively to any one cause. Where young girls had been the victims, it had not been established that pregnancy was the reason. More in-depth research was needed.

28. With civil society support, the Minister of Education was currently spearheading a campaign to raise awareness of sexual and reproductive rights. Applications to pardon the 15 women who were facing conviction for abortion had been filed with the Legislative Assembly and were pending a decision.

29. With regard to the housing shortage in rural and urban areas and especially among marginalized groups, a new law on land subdivision had been passed in 2012 that was designed to help households with very limited resources. Research conducted some time previously had shown that over half of all marriages in El Salvador were common-law marriages and that around 60 per cent of households were headed by women. The latter finding was in part a reflection of the large number of men working outside the country while their partners remained at home, and that situation was a key consideration in many of the social measures introduced by the current Government, which included allowances for school materials, shoes and the care of older persons.

30. **Ms. Velásquez Centeno** (El Salvador) said that Salvadoran law had regressed in respect of abortion: where previously it had provided for exceptional circumstances that might justify abortion, now no such exceptions were made. When a woman needed medical help and doctors suspected that her condition might have been caused by an abortion, the doctors were obliged to report her. If they failed to do so they themselves were liable to punishment. Between 2011 and 2013, however, there had been only eight convictions for abortion, a figure that bore little relation to the number of women prosecuted. The majority were released before the end of the trial for lack of evidence, or the case was dismissed. The *Beatriz* case had provided an opportunity to apply the law differently but the Constitutional Court, by a majority of 5 to 3, had dismissed the woman's application for *amparo* on the grounds that there was no violation of either her or the baby's right to health or life. The Court had stated that it was up to doctors to make an assessment of the woman's medical condition and provide treatment as appropriate to guarantee the right to life and health. As to women who went abroad for an abortion, there was no jurisdiction under the Criminal Code over crimes committed abroad.

31. Strikes were declared illegal when the formalities under the Labour Code were not fully complied with. In fact that did not happen often, as employers rarely went to court to obtain a ruling on the legality of a strike but preferred to negotiate with workers who had withdrawn their labour. In that way workers' demands were often met, and labour as a whole benefited.

32. **Ms. Lemus de Vásquez** (El Salvador) said that an intercensal survey of the indigenous peoples had been planned for 2012. The national institutions and indigenous peoples' NGOs had been widely consulted to ensure agreement on the question to be asked and the procedure itself, but in the end it had not been possible to carry out the survey for lack of resources. Such exercises were very expensive, and it had not been possible to obtain help from international organizations.

33. The health reform had brought about major changes in coverage for vulnerable populations and the poor. The health network had conducted a recruitment drive, taking on more medical specialists, and health teams now reached 2 million more people than before. Local health coverage had increased, notably in traditionally marginalized rural areas. The three levels of health service had been integrated and referrals could now be made to the

entire network. More than 100 family health centres had been refurbished and a new women's hospital had been built, providing maternity care and other specialist treatment for women.

34. **Ms. Velásquez Centeno** (El Salvador) said that tax reform had contributed to a major increase in social policy development. Nearly 50 per cent of public expenditure in 2013 had gone toward social affairs, notably education and social projects for local development. Plans and programmes had been set in motion on agriculture, taxation, infrastructure, combating vulnerability and the hospital and health network. One important project was Pro-Educa, which aimed to help local governments to strengthen social cohesion.

35. **Ms. Lemus de Vásquez** (El Salvador) said that the tax reforms carried out between 2009 and 2011 had yielded nearly US$ 300 million, which represented 1.3 per cent of gross domestic product.

36. **Ms. Velásquez de Avilés** (El Salvador) said that the Ministry of Health had been working to establish the causes of chronic kidney disease. Pesticides could be a factor. They were produced outside El Salvador and enquiries were being made to find out what companies manufactured them and where they operated. Other Central American countries were affected too.

37. As to the problem of indigenous girls dropping out of school, special educational programmes were being organized to help keep them in school. Indeed, a reform of the entire education system had started in 2009 with the aim of making education more motivational so that children would enjoy school. That problem was naturally related to the child labour problem.

38. One example of efforts to preserve indigenous languages was a major campaign to encourage the use of Nahuat-Pipil in schools.

39. It was such situations that El Salvador was trying to solve. For her Government the human being was the focus of attention. El Salvador was a very densely populated country, with 450 inhabitants per square kilometre, and badly affected by natural phenomena. Those were factors in the country's shortcomings with regard to human rights. Nevertheless the political will was there, and a recognition that much remained to be done.

40. **Mr. Sadi** asked what forces had been at work to cause the backtracking on the State party's previous abortion policy. The fact that there were so few convictions for abortion seemed inconsistent with the strictness of the law and sent conflicting signals concerning the State party's commitment to the legislation. He wondered how open the State party would be to the Committee's recommendations in that regard.

41. He asked what control there was over the use of pesticides in the State party. How was it possible for any country to use them so liberally?

42. **Ms. Bras Gomes**, recalling that the delegation had described El Salvador as a traditional or conservative society, asked what that perception was based on. Did the delegation know what society's views currently were on abortion? She recalled that, in 2010, the Human Rights Committee had called on the State party to open a national dialogue on women's right to sexual and reproductive health. Had El Salvador carried out such a debate? Would it be possible to predict the outcome of such a debate were it to be held today?

43. **Mr. Mancisidor** said that he commended the delegation for its positive approach to economic, social and cultural rights. There were nevertheless questions pending that had not received sufficient attention. He was still not clear, for example, about the specific outcomes of the tax reform: what new taxes had been introduced and who benefited? No

real detail had been given regarding the indigenous land issue: there was no indication, for example, whether the State party was considering creating a specific category of indigenous landownership. As to indigenous languages, he welcomed the educational developments in that regard but he would like to see statistics showing whether there were enough teachers prepared and trained to undertake the tasks involved and what percentage of indigenous people had access to true bilingual education.

44. On education more generally, he said there appeared to be scant training for primary school teachers in rural areas, a situation that seemed inconsistent with the overall improvements in education. Lastly, he would have welcomed some comment from the delegation on the child malnutrition figures he had provided, which had come from government information dated as recently as April 2014. The delegation's reference to strong political will did not seem to be reflected by the facts. He would appreciate more information and detail on those points.

45. **Ms. Velásquez de Avilés** (El Salvador) said that the delegation would submit replies to the last series of questions in writing. She thanked the Committee members for their numerous and detailed questions, which all helped El Salvador to advance towards better implementation of economic, social and cultural rights.

46. **The Chairperson** said that he had appreciated the frank and open discussion with the delegation, and the State party's readiness to do what was needed to implement economic, social and cultural rights.

47. **Mr. Mancisidor** thanked the delegation for its openness and its commitment to human rights. Notwithstanding the very serious problems that still remained, he was aware of the improvements that had been made, notably in tackling poverty, in the past four or five years.

The discussion covered in the summary record ended at 5.30 p.m.

United Nations E/C.12/2014/SR.27

Economic and Social Council

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11 July 2014
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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the 27th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 May 2014, at 10 a.m.

Chairperson: Mr. Kedzia

Contents

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Serbia

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Serbia (E/C.12/SRB/2; HRI/CORE/SRB/2010; E/C.12/SRB/Q/2; E/C.12/SRB/Q/2/Add.1)

1. *At the invitation of the Chairperson, the delegation of Serbia took places at the Committee table.*

2. **Ms. Paunovic** (Serbia) said that, during the reporting period, Serbia had adopted numerous human rights laws and had acceded to many international human rights instruments, including the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, as well as the Council of Europe conventions on action against trafficking in human beings, the protection and promotion of the diversity of cultural expressions, the protection of children against sexual exploitation and sexual abuse, and preventing and combating violence against women and domestic violence.

3. Although it was clear from Security Council resolution 1244 (1999) that Kosovo and Metohija was an integral part of the territory of the Republic of Serbia, the latter could not ensure the fulfilment of economic, social and cultural rights in Kosovo, the administration of which was entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK).

4. The Serbian Constitution specified that all citizens were equal before the law and that everyone had the right to equal protection by the law, without discrimination. Hence any special measures that Serbia might introduce to secure the full equality of persons or groups of persons who were in an unequal position should not be considered discriminatory. In March 2009, Serbia had adopted the Law on the Prohibition of Discrimination which set forth a wide range of prohibited grounds for discrimination. Under the Law, citizens whose rights had been violated could either file a complaint or report the matter to an independent body, the Commissioner for The Protection of Equality. Discrimination had been criminalized, and the Law stipulated that certain offences prompted by hatred based on race or religion, national or ethnic origin, gender, sexual orientation or sexual identity constituted an aggravating circumstance. In June 2009, the Government, in cooperation with civil society, had drafted a strategy for the prevention of and protection against discrimination in order to improve the status of nine vulnerable groups which were often victims of discrimination, namely women, children, persons with disabilities, older persons, members of the lesbian, gay, bisexual and transgender (LGBT) community, members of national minorities, refugees, internally displaced persons and members of other migrant groups.

5. The 2011 census had recorded 147,604 Roma, who therefore made up 2.05 per cent of the population, but some estimates put their number at as many as 250,000. In 2009, Serbia had adopted a strategic and institutional framework aimed at that population group's advancement as well as its full inclusion and due representation in society. It also sought to ensure that Roma did not suffer from discrimination in areas such as education, housing or employment, and had access to social protection, health care and culture, inter alia. The Government had established the Office for Human and Minority Rights in August 2012 and the Council for the Advancement of Roma in June 2013. Serbia had the highest number of refugees (57,247) and internally displaced persons (209,112) in Europe. It had adopted the Strategy on the Sustainable Return to Kosovo and Metohija in 2009 and the 2011–2014 National Strategy for Resolving the Problems of Refugees and Internally Displaced

Persons. In addition, Serbia had adopted a law preventing discrimination against persons with disabilities and a law on gender equality to protect such persons against discrimination in various sectors, such as employment.

6. Serbia, which was a member of the International Labour Organization (ILO), had ratified a number of conventions on minimum wages, weekly rest, paid leave and compensation for workers in the event of an industrial accident or occupational disease. Under the Labour Act, all employees working for the same employer should receive equal remuneration for work of equal value. Moreover, the Labour Act prohibited the dismissal of a union representative during his or her term of office, or during the year following the end of his or her term of office. In early 2014, the total unemployment rate had been 20.8 per cent. The right to join a trade union was enshrined in the Constitution, and the procedure for registering unions was simple and identical for all. The right to strike was also guaranteed by the Constitution, as was the right to social protection (retirement, pension, disability, health and unemployment insurance) and social security. The Constitution prohibited children under the age of 15 from working; it was possible to employ children over the age of 15, provided they did not engage in work that could undermine their health or morals.

7. The Family Act prohibited domestic violence and established a special court procedure to ensure legal protection for families. In 2011, Serbia had adopted the National Strategy for the Prevention and Combating of Domestic and Intimate Partner Violence against Women, as well as a general protocol for action which, for the first time ever, regarded children who had witnessed domestic violence as victims of family violence. The Constitution also guaranteed the protection of citizens' physical and psychological health. Furthermore, it made primary education compulsory and established the right to secondary education. In order to fight segregation, it had been decided that members of national minorities could pursue their studies in Serbian or in their mother tongue or follow a bilingual programme. Lastly, the Constitution embodied the right to scientific and artistic creation.

8. **Mr. Sadi** (Country Rapporteur) asked whether the Covenant, which had been incorporated into domestic legislation, had already been relied upon in and applied by the courts. He wished to know whether the Commissioner for the Protection of Equality and the Protector of Citizens were institutions consistent with the Paris Principles and whether the fact that the State party had established a human and minority rights mediator meant that minority rights posed a problem in Serbia. He asked whether the Law on the Prohibition of Discrimination complied with the requirements of article 2 (2) of the Covenant and whether it had already served as the basis of court decisions. He would welcome further details on the cases mentioned in paragraph 26 of the State party's replies to the list of issues in which the Law on the Prohibition of Discrimination Act and the Law on the Prevention of Discrimination against Persons with Disabilities had been invoked in court. He welcomed the fact that the State party had acknowledged on several occasions that its policies had not always led to better implementation of the Covenant, or to greater respect of the rights it afforded, that had been the case, for example, of privatization policies that had been blamed for slower growth and high unemployment.

9. He requested additional information on the legislative measures that the State party had taken and on the strategies it had devised to combat hate crimes based on ethnic intolerance, which were still widespread. With respect to paragraph 54 of the replies to the list of issues, he asked whether, in practice, subsidies had been granted to employers who employed up to 20 Roma. Finally, he wished to know why the Gender Equality Council had met only three times since 2004.

Articles 1–5 of the Covenant

10. **Mr. Kerdoun**, referring to the measures taken by Serbia to fight corruption, asked whether its scale was such that it hampered the population's enjoyment of its economic, social and cultural rights. He also asked which sectors of activity, public services or businesses were particularly affected by corruption. He enquired about the nature of the sanctions handed down to persons who had contravened anti-corruption legislation and wished to know whether certain cases of corruption had been well-publicized.

11. **Ms. Bras Gomes** wished to know what measures were envisaged under the Sustainable Development Strategy to address the adverse effects of intensive industrialization and urbanization. She referred to a study conducted by the Commissioner for the Protection of Equality in 2012 which had found that many people were unaware that discrimination was prohibited by law in Serbia and that 55 per cent of those who were familiar with the legislation considered that it was not applied properly and she asked what could be done to raise awareness of the existing legislation.

12. **Mr. Schrijver** wished to know how the Serbian Government currently viewed the status of Kosovo. What were the countries of origin of the refugees in Serbian territory? Did many of them wish to settle there? He was surprised that so few people had obtained refugee status in Serbia in spite of the new law on asylum and wished to know why that was so. He asked whether the children of refugees could exercise their right to education and whether they were integrated into ordinary schools when they stayed in the country for a lengthy period.

13. **Mr. Atangana** welcomed Serbia's replies to the experts' concluding observations on the previous report and asked why they addressed only observation 39 et seq. He also asked who chaired the body responsible for monitoring the independence of the judiciary in Serbia.

14. **Ms. Shin** wished to know how many non-governmental organizations (NGOs) were active in the area of economic, social and cultural rights in Serbia and what contribution they had made to the drafting of the report. She asked whether NGOs were involved in the preparation and evaluation of policies and legislative reforms. She also wished to know whether the complaints of discrimination filed with the Protector of Citizens had been classified according to their grounds, a step which would show the areas where improvements were needed. She wished to know why the national institution could not work with the international human rights system or with civil society. She noted that the requisite measures to achieve gender equality had been taken and that bodies had been set up for that purpose. Nevertheless, noting that the Directorate for Gender Equality employed only five people and that the Gender Equality Council had met only three times in 10 years, she asked what obstacles prevented such bodies from operating efficiently.

15. **Mr. Abashidze** asked whether there were any technical or ideological barriers in Serbia that prevented minorities from obtaining minority status. With regard to the aging population, he noted that the statutory retirement age was 65 for men and 60 for women in the State party, while life expectancy for men was 69.5 and 75 for women. He thought that the retirement age for men ought to be lowered in order to respect the principle of gender equality and non-discrimination.

16. **Mr. Abdel-Moneim** asked whether the figures in tables 10 and 11 of Serbia's core document for the period 2005–2008 (consolidated public expenditures by sector – structure by functional classification) showed government expenditures or public expenditures in general. He asked what fell under the "economic activities" category in those tables.

Articles 6–9 of the Covenant

17. **Mr. Ribeiro Leão** asked what steps had been taken to combat informal work and wished to know how the National Employment Strategy would counter discriminatory attitudes and practices that prevented Roma from finding employment in the public and private sectors. He would appreciate further details on how the minimum wage was calculated and on its periodic review. He enquired about the way in which data on workplace safety, health and hygiene was collected and about strategies to deal with problems that had been detected. He also asked what measures had been taken to promote the right to form trade unions in the private sector and wished to know whether the right to strike of workers in non-essential sectors was restricted and what services were considered essential in the public sector. Finally, he enquired about the measures taken to guarantee access to social security for children without families and households in crisis.

18. **Ms. Bras Gomes**, noting that there was still a significant gap between the employment and labour force participation rates of men and women, asked what the Government intended to do to reduce it. She wished to know whether the Serbian Government planned to satisfy the claims of the employees of State-owned enterprises which had been privatized who had filed applications with the European Court of Human Rights, seeking the payment of arrears of wages and social security benefits. She asked what social protection was granted to recipients of unemployment benefits during the three-month waiting period that was imposed following the receipt of six months of benefits.

19. **Mr. Schrijver**, referring to the alarming level of unemployment in Serbia, requested information on youth unemployment and on the steps taken to help young people join the labour market. He wished to know the reasons behind the large number of trade unions in the public sector and the low rate of union membership in the private sector.

20. **Ms. Cong**, noting that employment subsidies in the private sector had not produced the expected results, asked what measures the Government envisaged taking to improve the situation. She asked why very few Roma drew social security benefits and wished to know whether they were informed of their rights.

21. **Mr. Martynov** asked for further details of the new Employment Strategy and whether it sought to reduce regional disparities in terms of employment and development. He requested the inclusion of information on the effects of the Strategy in Serbia's next periodic report. He was surprised by the fact that the State party, which had ratified the Convention on the Rights of Persons with Disabilities five years earlier, had managed to draft a strategy for such persons and to give them access to social protection, even though it did not know how many persons with disabilities were living in its territory, and asked whether the Government intended rapidly to create a database on persons with disabilities. Moreover, he noted that the unemployment rate for persons with disabilities was a very low 14 per cent, owing to their extremely poor labour force participation rate, a situation suggesting that the State party was insufficiently committed to fostering the social integration of persons with disabilities.

22. When the State party's previous report had been considered, the Committee had expressed its concern over the low level of unemployment benefits. He wished to know what the current level of such benefits was and what percentage of the unemployed received them. In 2005, the Committee had also expressed its concern over strict retirement pension requirements, which had become even tighter in 2010. What had been the effects of that legislation? How many people had lost their rights to a retirement pension? He enquired about arrangements for implementing comprehensive compulsory insurance also covering the self-employed and farmers, as to whether it included workers in the informal sector and to whom the voluntary insurance mentioned by the delegation applied. Finally,

he asked for information regarding labour inspection, the number of inspectors and the procedure followed.

The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.

23. **Ms. Paunovic** (Serbia) said that, in collaboration with the Country Office of the High Commissioner for Human Rights (OHCHR), Serbia was preparing to set up a body to monitor the implementation of the treaty bodies' concluding observations. A body to coordinate public policy had been established.

24. **Ms. Mohorovic** (Serbia) said that the provisions of the Covenant were incorporated into legislation, but she had no information on whether the Covenant had been invoked as such in court decisions. The High Judicial Council, which consisted of 11 members and over which the President of the Court of Cassation presided, was the highest judicial body. The Protector of Citizens and the Commissioner for the Protection of Equality were independent bodies for the protection of human rights that could receive complaints filed for various reasons, such as the failure to respect certain economic, social and cultural rights. Moreover, the second periodic report of Serbia had been drafted in cooperation with civil society organizations.

25. Serbia currently had 23 collective centres for refugees and internally displaced persons which were due to be closed in the next three years. The refugees were primarily from Bosnia and Herzegovina. Much had been done to integrate them, and most of them had become citizens of the Republic of Serbia. The Regional Housing Programme, established under the Sarajevo process on refugees and displaced persons, was a joint initiative of Bosnia and Herzegovina, Montenegro, Croatia and the Republic of Serbia to provide refugees and displaced persons with lasting housing solutions. During the donors' conference held in Sarajevo in April 2012, contributions in the amount of 261 million euros had been pledged for the programme.

26. **Ms. Ivanovic** (Serbia) said that the Gender Equality Council, which had been established in 2004, met every month inter alia to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence, which Serbia had ratified in 2013, and the Convention on the Elimination of All Forms of Discrimination against Women.

27. The Office for Human and Minority Rights had a specialized unit for improving the position of Roma in society. Moreover, its assistant director was from the Roma community. Ministries had to employ two members of the Roma community in posts which could influence policy on minorities. The country had a strategy for improving the status of Roma and a relevant action plan.

Articles 10–12 of the Covenant

28. **Mr. Ribeiro Leão** asked whether there was a strategy or plan to fight poverty and whether the authorities' action was aimed at eradicating absolute poverty and/or relative poverty.

29. **Mr. Pillay** would appreciate additional information on the results of the fight against poverty in rural areas and among the Roma, on the implementation of the second national action plan to improve housing conditions for Roma (2009–2016), and on legal provisions on forced evictions.

30. **Ms. Ravenberg** asked the delegation to provide disaggregated data on health care for refugees, internally displaced persons and asylum seekers, to describe the measures taken to ensure access to mental health services and rehabilitation for victims of physical and sexual violence, and to provide information on the number of children living with HIV/AIDS in the State party and on the measures adopted to provide them with the medical

attention they required. She wished to know what strategies were in place to ensure long-term care for older persons and to avoid placing persons with mental illnesses in institutions. She also wished to know whether the mental health-care network for children and adolescents was tailored to their needs.

31. **Mr. Kerdoun** wished to have more information on the use of water in rural areas and on the way in which the authorities intended to overcome the lack of drinking water in rural areas.

32. **Mr. Atangana** enquired about the measures taken to combat domestic violence, which, according to some sources, still existed and was on the rise again, and about steps to improve birth registration, particularly in rural areas, among the Roma and displaced persons.

33. **Mr. Abashidze** would welcome further information on the system used to establish a minimum subsistence level and wished to know whether inflation was among the factors taken into account when calculating it.

34. **Mr. Sadi** (Country Rapporteur) wished to know the reasons for the large number of cases of ill-treatment and neglect of children and asked for data on child labour in the informal economy, especially data on Roma children.

The meeting rose at 1 p.m.